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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

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|--|--------------------------|
| UNITED STATES OF AMERICA, | CR 22-153-BLG-SPW |
| Plaintiff, | |
| vs. | OFFER OF PROOF |
| HOSSEIN CRISTIANO LUIGI BORHAN, | |
| Defendant. | |

Hossein Borhan's change of plea hearing is scheduled for January 19, 2023.

(Doc. 4) According to the signed plea agreement, the defendant intends to plead guilty to the information, charging him with Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2). (Docs. 1 and 2)

The United States presented all formal plea offers in writing. The plea agreement entered into by the parties and filed with the Court, in the government's view, represents the most favorable offer extended to the defendant. *See Missouri v. Frye*, 132 S.Ct. 1399 (2012).

ELEMENTS

In order for the defendant to be found guilty of receipt of child pornography, as charged in the information, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly received a visual depiction of sexually explicit conduct;

Second, the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

Third, the visual depiction had been shipped or transported or mailed in interstate or foreign commerce, by any means including computer; and

Fourth, the Defendant knew that at least one of the performers in such visual depiction was a minor and knew that the visual depiction was of such minor engaged in sexually explicit conduct.

PENALTY

This offense carries a minimum of five years with a maximum of twenty years of imprisonment, a \$250,000 fine, a minimum of five years with a maximum of lifetime supervised release, a \$35,000 special assessment under 18 U.S.C. 2259A, and a \$5,000 special assessment under 18 U.S.C. § 3014.

ANTICIPATED EVIDENCE

If called to prove this case at trial, and to provide a factual basis for Borhan's plea, the United States would present, by way of testimony from law enforcement and lay witnesses, expert witnesses, and physical evidence, the following:

1. Between August 2021 and April 2022, while serving as a Colstrip Police Officer, Borhan was engaged in an online messaging relationship with Jane Doe, a minor female. Borhan was friends with Jane Doe's parents and had known the family for some time before he began messaging the minor.

2. Borhan communicated with Jane Doe in the summer of 2021 through Snapchat, an online social media application that utilizes the Internet. The conversation became sexual in nature. On August 21, 2021, for example, Borhan inquired about Jane Doe's sexual experience. Borhan also directed her to "[s]how me" and then instructed her to send him pictures and videos of herself performing specific sex acts on camera. Jane Doe complied and sent Borhan images and videos that she produced at his direction of her engaging in sexually explicit conduct.

3. In an interview with law enforcement, Borhan admitted sending Jane Doe approximately 20 pictures and videos of his penis and estimated receiving hundreds of sexual images and videos of Jane Doe.

4. A federal search warrant was executed on Borhan's phone in August 2022. Agents recovered Borhan's Snapchat conversation with Jane Doe from the phone as well as an image of Jane Doe engaged in sexually explicit conduct. Jane Doe reviewed the image and identified herself in the photograph.

DATED this 10th day of January 2023.

JESSE A. LASLOVICH
United States Attorney

/s/ Benjamin D. Hargrove
BENJAMIN D. HARGROVE
Assistant U.S. Attorney